IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4560 OF 2005

A. Sai Madasami ..Petitioner.

Versus

The State of Maharashtra & Ors. ..Respondents.

Mr.S.P.Kanuga with Mrs.P.P.Bhosale for the Petitioner.

Mr. A.H. Palekar, AGP for Respondents.

CORAM : S. A. BOBDE, J.

DATED : 19TH JULY, 2005.

P.C.:

1. Rule, returnable forthwith.

2. Mr. Palekar, learned AGP waives service of rule for the Respondents.

3. Heard by consent.

4. Admittedly the petitioner’s application for licence for running a video theatre has been rejected without hearing him and apparently with undue haste.

The learned counsel for the respondents states that a reference to the order sheet from which it appears that the authority gave notice on 4th of July and compelled to decide the matter on the same day. Though the authority have stated that it heard the petitioner, the facts speak for themselves. The petitioner could have had no opportunity to represent himself. Hence, there is denial of the rule of natural justice.

5. The learned AGP, on instructions of Mr. Chavan, the Officer of the Government, who is present in the court, fairly states that the matter would require re-consideration. The impugned order dated 6.7.2005 is set aside.

6. In the circumstances the matter is remanded back to the said authority for deciding the petitioner's application afresh in accordance with law. The petitioner shall appear before the authority on 25th of July 2005.

19.07.2005 (S.A.BOBDE,J.)